

December 16, 2004

Rene Rodriguez
8510 N.W. 164th Street
Miami, FL 33016

RE: REQUEST FOR ADVISORY OPINION 04-201

Dear Mr. Rodriguez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 15, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the application of the two-year rule to your work as a consultant for affordable housing developers.

In your letter, you advised the Commission that you retired as Director of the Miami-Dade Housing Agency on April 30, 2004. You have formed a consulting company, Delta Associates, to provide technical assistance and professional services to developers. Some of the developers currently have agreements with the Miami-Dade Housing Agency or may seek to do business with the Miami-Dade Housing Agency in the future.

Your spouse is the Director of the Office of Community Development for the City of Miami. Your clients may also do business with the City of Miami's Office of Community Development.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to contract with companies that are doing business with the Miami-Dade Housing Agency or seek to do business with the Housing Agency in the future. However, you may not lobby any county official or staff member regarding any client or project. Section 2-11.1(q) (1) provides that "(n)o person who has served as an elected County official, i.e. mayor, County Commissioner or a member of the staff of an elected County official or as County Manager, department director, departmental personnel or employee shall for a period of two years after his or her County service or employment has ceased lobby any County officer, departmental officer or employee on connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or ther determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. "

Accordingly, you may not meet with any county officials, submit written documents on behalf of your clients or appear at publicly noticed meetings for your clients regarding any project where the client is seeking action or funding from Miami-Dade County government. However, you may provide advice and assistance to your clients regarding projects where the client is doing business with or seeks to do business with Miami-Dade County.

The two-year rule does not extend to your work with the City of Miami. You may lobby City of Miami employees and officials regarding his clients' projects. However, you may not acquire a controlling financial interest in any project that is funded by the City of Miami. Section 2-11.1(d) prohibits an immediate family member of a city employee from contracting with the city or transacting

any business through a corporation where the immediate family member has a controlling financial interest. A controlling financial interest is 10% of the stock in a corporation.

Therefore, the Conflict of Interest ordinance permits you to contract with developers who are doing business with Miami-Dade County or seek to do business with Miami-Dade County. However, you may not lobby any county official or employee or appear before any county board or committee regarding any matter. You may lobby City of Miami officials regarding any matter but you may not transact any business or contract with the City of Miami through any business in which you have a controlling financial interest.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director